

1209

No. 3292

United States
Circuit Court of Appeals
 1209
 For the Ninth Circuit.

AUGUST BLANC,

Plaintiff in Error,
vs.

THE UNITED STATES OF AMERICA,
Defendant in Error.

Transcript of Record.

Upon Writ of Error to the Southern Division of
the United States District Court of the
Northern District of California,
First Division.

FILED
MAR 1 - 1919
F. D. MONCKTON,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys of Record.

For Defendant and Plaintiff in Error:

FRANK J. HENNESSY, Esq., Grant Building,
San Francisco, California.

For Plaintiff and Defendant in Error:

ANNETTE ABBOTT ADAMS, U. S. Attorney,
and JAMES E. COLSTON, Esq., Spec.
Asst. U. S. Atty.

UNITED STATES OF AMERICA.

*District Court of the United States, Northern
District of California.*

Clerk's Office—No. 7248-7249 Con.

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Praeceptum for Transcript on Writ of Error.

To the Clerk of said Court:

Sir: Please issue the transcript on record upon writ of error in the above cause containing the following:

1. Information.
2. Arraignment and plea of defendant.
3. Record of trial, stating each day's proceeding.
4. Verdict of jury.
5. Judgment of Court.
6. Motion for new trial and in arrest of judgment.
7. Orders denying same.
8. Clerk's certificate to judgment-roll.
9. Petition for writ of error on behalf of defendant.
10. Assignment of errors on behalf of defendant.
11. Citation on

writ of error. 12. Return thereto. 13. Order allowing writ of error and supersedeas. 14. Supersedeas bond of defendant. 15. Bill of exceptions. 16. Clerk's certificate to transcript of record.

SIDNEY P. ROBERTSON and
FRANK J. HENNESSY,

Attorneys for Defendant.

[Endorsed]: Filed Jan. 17, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [1*]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

(No. 7248.)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUGUST BLANC,

Defendant.

Information.

At the July Term of said court, in the year of our Lord one thousand nine hundred and eighteen,—

BE IT REMEMBERED that ANNETTE A. ADAMS, United States Attorney for the Northern District of California, who for the United States in its behalf prosecutes in her own person, comes into court on this, the 5th day of September, 1918, and with leave of Court first having been had and ob-

*Page-number appearing at foot of page of original certified Transcript of Record.

tained, gives the Court to understand and be informed as follows, to wit:

That the allegations hereinafter set forth, each of which your informant avers and verily believes to be true, are made certain and supported by a special affidavit made under oath, and that this information is based upon said affidavit, which said affidavit is hereto attached and made a part hereof;

NOW, THEREFORE, your informant presents:
THAT

AUGUST BLANC,

hereinafter called the defendant, heretofore, to wit, during the month of September, 1918, and particularly on or about the 4th day of September, 1918, in violation of Section 13 of the Act of May 18th, 1917, entitled: "An Act to Authorize *the* [2] the President to Increase Temporarily the Military Establishment of the United States," and an Act entitled: "An Act to promote the efficiency of the United States Navy," approved the 6th day of October, 1917, wherein the provisions of Sections 12 and 13 of the said Act of May 18th, 1917, were made to include such places under the United States Naval Jurisdiction as the President might prescribe, and the powers therein conferred upon the Secretary of War with regard to the Military Service, were conferred upon the Secretary of the Navy with regard to the Naval Service of the United States, and the order of the Secretary of the Navy made and issued on the 3d day of August, 1918, in pursuance of said Acts of May 18th, 1917, and October 6th, 1917, designating the distance of ten miles from any place under United States Naval Jurisdiction,

within which said distance it was made unlawful for any person to direct, take, or offer to take or transport, or to assist by any means, any person to find any house of ill fame, brothel, or bawdy-house, located within ten miles of any place under Naval Jurisdiction, the said defendant, did, at San Francisco, in the Southern Division of the Northern District of California, during the time aforesaid, in violation of said Act of Congress and said order of the Secretary of the Navy, unlawfully and knowingly direct Louis Remegie to Room 16 in a certain place, building, or structure located at Number 773 Broadway Street, in said city, Division and District aforesaid, for the purpose of lewdness, assignation and prostitution.

That said place, building or structure is and was at all times herein mentioned being used for the purpose of lewdness, assignation and prostitution and was within ten miles of a place under Naval Jurisdiction, to wit: Goat Island. [3]

AGAINST the peace and dignity of the United States of America, and contrary to the form of the Statute of the said United States of America, in such case made and provided.

ANNETTE ABBOTT ADAMS,
United States Attorney.

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

Louis Remegi, being first duly sworn, deposes and says:

That August Blanc did, during the month of Sep-

tember, 1918, and particularly on or about September 4th, 1918, in the city of San Francisco, State of California, direct Louis Remegie to room 16 in a certain place, building or structure located at Number 773 Broadway Street, known as the Globe Hotel, for the purpose of lewdness, assignation and prostitution; that said place, building or structure was then being used for the purpose of lewdness, assignation and prostitution;

That said place, building, or structure was within ten miles of a place, under Naval Jurisdiction, to wit: Goat Island.

LOUIS REMEGIE.

Subscribed and sworn to before me this 5th day of September, 1918.

[Seal]

C. M. TAYLOR,

Deputy Clerk U. S. District Court, Northern District of California.

[Endorsed]: Filed Sep. 5, 1918. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [4]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

(No. 7249.)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUGUST BLANC,

Defendant.

Information.

At the July Term of said court, in the year of our Lord one thousand nine hundred and eighteen,—

BE IT REMEMBERED that ANNETTE A. ADAMS, United States Attorney for the Northern District of California, who for the United States in its behalf prosecutes in her own person, comes into court on this, the 5th day of September, 1918, and with leave of Court first having been had and obtained, gives the Court to understand and be informed as follows, to wit:

That the allegations hereinafter set forth, each of which your informant avers and verily believes to be true, are made certain and supported by a special affidavit made under oath, and that this information is based upon said affidavit, which said affidavit is hereto attached and made a part hereof;

NOW, THEREFORE, your informant presents:
THAT

AUGUST BLANC,

hereinafter called the defendant, heretofore, to wit, during the month of September, 1918, and particularly on or about the 4th day of September, 1918, in violation of Section 13 of the Act of May 18th, 1917, entitled: "An Act to Authorize the President to Increase Temporarily the Military Establishment of the United [5] States," and an Act entitled: "An Act to promote the efficiency of the United States Navy," approved the 6th day of October, 1917, wherein the provisions of Sections 12 and 13 of the said Act of May 18th, 1917, were made to

include such places under the United States Naval Jurisdiction as the President might prescribe, and the powers therein conferred upon the Secretary of War with regard to the Military Service, were conferred upon the Secretary of the Navy with regard to the naval service of the United States, and the Order of the Secretary of the Navy made and issued on the 3d day of August, 1918, in pursuance of said Acts of May 18th, 1917, and October 6th, 1917, designating the distance of ten miles from any place under United States Naval Jurisdiction, within which said distance it was made unlawful to keep or set up a house of ill fame, brothel or bawdy-house; the said defendant did, in violation of said act and said order of the Secretary of Navy, willfully, unlawfully, and knowingly keep a house of ill fame at Number 773 Broadway Street, known as the Globe Hotel, at the city and county of San Francisco, in the Southern Division of the Northern District of California, wherein prostitution was carried on.

That said house of ill fame is and was at all times herein mentioned, within ten miles of a place under Naval Jurisdiction, to wit: Goat Island.

AGAINST the peace and dignity of the United States of America, and contrary to the form of the Statute of the said United States of America in such case made and provided.

ANNETTE ABBOTT ADAMS,

United States Attorney. [6]

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

Louis Remegie, being first duly sworn, deposes and says:

That August Blanc, did, during the month of September, 1918, and particularly on or about September 4th, 1918, in the city of San Francisco, State of California, keep a house of ill fame at a certain place, building or structure located at Number 773 Broadway Street and known as the Globe Hotel, for the purpose of lewdness, assignation and prostitution; that said place, building or structure was then being used for the purpose of lewdness, assignation and prostitution.

That said place, building, or structure was within ten miles of a place under naval jurisdiction, to wit: Goat Island.

LOUIS REMEGIE.

Subscribed and sworn to before me this 5th day of September, 1918.

[Seal]

C. M. TAYLOR,
Deputy Clerk U. S. District Court, Northern District of California.

[Endorsed]: Filed Sep. 5, 1918. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [7]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, on Saturday, the 7th day of September, in the year of our Lord one thousand nine hundred and eighteen. PRESENT: The Honorable MAURICE T. DOOLING, Judge.

No. 7248.

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Minutes of Court—September 7, 1918—Arraignment and Plea (Case No. 7248).

In this case the defendant was produced in court by the United States Marshal for this District, and with attorney. On motion of C. F. Tramutolo, Esq., Assistant United States Attorney, and on order of Court, said defendant was duly arraigned upon the Information herein against him, stated his true name to be as contained therein, and waived formal reading thereof, and thereupon plead "Not Guilty" of the offense charged, which plea the Court ordered and the same is hereby entered. After hearing the respective attorneys, it is ordered that this case be continued to September 14, 1918, to be set for trial, and that the amount of bond for appearance of defendant herein be and the same is hereby reduced from the sum of One Thousand (\$1,000) Dollars to the sum of Five Hundred (\$500) Dollars,

and that defendant in default of said bond stand committed to the custody of said Marshal, and that *mittimus* issue accordingly. [8]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, on Saturday, the 7th day of September, in the year of our Lord one thousand nine hundred and eighteen. PRESENT: The Honorable MAURICE T. DOOLING, Judge.

No. 7249.

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Minutes of Court—September 7, 1918—Arraignment and Plea (Case No. 7249).

In this case the defendant was produced in court by the United States Marshal for this District, and with attorney. On motion of C. F. Tramutolo, Esq., Assistant United States Attorney, and on order of Court, said defendant was duly arraigned upon the Information herein against him, stated his true name to be as contained therein, waived formal reading thereof, and thereupon plead "Not Guilty" of the offense charged, which plea the Court ordered and the same is hereby entered. After hearing the respective attorneys, it is ordered that this case be continued to September 14, 1918, to be set for trial.

Further ordered that defendant is not required to give bond in this case, and that order heretofore made fixing bond of defendant in the sum of One Thousand (\$1,000) Dollars be and is hereby set aside. [9]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, on Thursday, the 19th day of September, in the year of our Lord one thousand nine hundred and eighteen. PRESENT: The Honorable MAURICE T. DOOLING, Judge.

No. 7249 (and 7248 con.).

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Minutes of Court—September 19, 1918—Trial.

This case, consolidated with case of the United States of America vs. August Blanc, No. 7248, came on regularly this day for the trial of defendant upon the Information herein against him. Said defendant was present in court with his attorney, Frank J. Hennessey, Esq., J. E. Colston, Esq., Special Assistant United States Attorney, was present for and on behalf of the United States. Upon the calling of the case, all parties answering ready for trial, the Court ordered that the same do proceed, and that the jury-box be filled from the regular panel of trial

jurors of this Court. Accordingly the hereinafter named persons were duly drawn by lot, sworn and examined, etc., as follows: O. B. Martin, Sydney Clements, Alfred C. Imhaus, Fletcher Pomeroy, E. H. Otto, Albert E. Lacey, John Reid, Wm. H. Barry, Richard Powell, Henry Claudius and Peter A. Jordan, accepted; John S. MacKay, peremptorily challenged by the United States and excused; Fred W. Boole, accepted. Thereupon twelve (12) persons having been accepted as jurors to try said defendant were accordingly sworn, to wit:

O. B. Martin,	John Reid,
Sydney Clements,	Wm. H. Barry,
Alfred C. Imhaus,	Richard Powell,
Fletcher Pomeroy,	Henry Claudius,
E. H. Otto,	Peter A. Jordan,
Albert E. Lacey,	Fred W. Boole,

Mr. Colston made statement to the Court and jury as to the nature of [10] the case and called Louis Remegie, George J. Ohnimus and Clifford J. Way, each of whom was duly sworn and examined on behalf of the United States, and introduced in evidence certain exhibits which were filed and marked United States Exhibit No. 1 (3 coins), No. 2 (picture), and rested case of United States. Mr. Hennessey moved the Court for order instructing the jury herein to return verdicts of "Not Guilty," which motion the Court ordered denied. Mr. Hennessey called August Blanc, Matilda Campbell, each of whom was duly sworn and examined on behalf of defendant, and rested case of defendant. Mr. Colston recalled in rebuttal Louis Remegie and

George J. Ohnimus, who were further examined on behalf of the United States. The case was then argued by Mr. Colston and Mr. Hennessey and submitted, whereupon the Court proceeded to instruct the jury herein, who after being so instructed, retired at 12 o'clock noon to deliberate upon verdicts and subsequently returned into court at 12:15 o'clock P. M., and upon being called all twelve (12) jurors answered to their names, and in answer to question of Court, stated that they had agreed upon two verdicts and presented written verdicts, which the Court ordered filed and recorded, viz.: "The United States of America vs. August Blanc, No. 7248. We, the Jury find August Blanc, the defendant at the bar Guilty. Fred W. Boole, Foreman." And "The United States of America vs. August Blanc, No. 7249. We, the Jury, find August Blanc, the defendant at the bar Guilty. Fred W. Boole, Foreman." Thereupon the Court ordered * * * that this case be continued to September 24, 1918, for judgment. On motion of Mr. Colston, it is further ordered that exhibits be returned to Mr. Colston, and were so returned in open court. * * *

*In the District Court of the United States, in and
for the Southern Division of the Northern Dis-
trict of California.*

Nos. 7248-7249—Consolidated.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Bill of Exceptions.

BE IT REMEMBERED that heretofore, the United States District Attorney did file in the above-entitled court two informations against the above-named defendant, numbered respectively 7248 and 7249, and thereafter the said defendant appeared in court, and upon being called to plead to said information, he duly pleaded not guilty to each of said informations, as shown by the record herein, and the said cause being at issue, the same came on for trial on the 19th day of September, 1918, before the Hon. M. T. Dooling, District Judge, and a jury duly empaneled, and the United States being represented by James E. Colston, Esq., and the defendant being represented by Frank J. Hennessy, Esq., the following proceedings were had: The Court ordered the said causes to be consolidated:

Testimony of Louis Remegi, for the Government.

LOUIS REMEGI, called for the United States, being first duly sworn, testified as follows:

Mr. COLSTON.—Q. You are an agent of the Department of Justice, are you? A. Yes, sir.

Q. And detailed on the investigation of houses of ill-fame within certain prescribed zones?

A. Yes, sir. [12]

Q. Did you have an occasion to investigate a place known as the Globe Hotel, at 773 Broadway Street, San Francisco, California, on September 4th?

A. Yes, sir.

Q. Did you see Mr. Blanc there, this gentleman sitting here? A. Yes, sir.

Q. Did you have any conversation with him?

A. Yes, sir.

Q. What was that conversation?

A. I had been there the night before, on September 3d, with officers Ohnimus and Dowell. While we were investigating that section around Broadway, we dropped into the Globe Hotel. I met Mr. Blanc on the second floor and—

Q. You mean you, and Dowell, and Ohnimus, or you personally? A. I went in there personally.

Q. Did they go with you up there?

A. No, they stood downstairs. I asked Mr. Blanc if he had any girls there. He said, "The girl is not working to-night, she is not working to-night; you come here to-morrow at two o'clock and she will be here." I said, "All right," and I left the

(Testimony of Louis Remegi.)

hotel. On September 4, around 2:45 P. M., I entered the Globe Hotel again and I met Mr. Blanc. I said, "Is the girl in now?" He said, "Yes; are you the fellow that was here yesterday afternoon—I mean last night?" I said, "Yes." He said, "You're the fellow I told to come here at 2 o'clock." I said, "Yes." He said, "The girl is upstairs now." I said, "What room?" He said, "Room 16; you go up to room 16 and tell her I sent you there." I went up into room 16 and the big fat girl came out and said, "Come right in," and she took me into room 17, where two other fellows were seated waiting for the girl. I sat there a while, and she left the room and took one of those fellows into her room, and she came back and she said, "You will be pretty soon." I said, "How much are you going to charge me for an act of prostitution?" She said, "\$1.50." I gave her \$1.50. After she received the \$1.50 she took this other fellow in. I left the room and got Officers Ohnimus and Dowell, and we came back and put Matilda Campbell under [13] arrest.

Q. Were there any chairs in this room 17—I mean any bed?

A. No, no bed; it was just a sitting-room, with several chairs, and a table in the center of the room.

Q. And you state that you gave her a dollar and a half? A. Yes, sir.

Q. Did you later see that \$1.50? A. Yes, sir.

Q. Where did you get it?

A. Officers Dowell and Ohnimus got it.

Q. From where did they get it?

(Testimony of Louis Remegi.)

A. They got it from Matilda Campbell.

Q. Could you identify any of those pieces of money?

A. Yes, sir. There is a mark right at the head of the eagle (indicating).

Q. That is a half dollar bearing date 1915?

A. Yes, sir. Here is another marked right here under the face.

Q. That bears date 1910?

A. Yes, sir; and here is another one marked under the head of the eagle.

Q. And that bears date 1917? A. Yes, sir.

Q. Is that the money that you paid this woman?

A. Yes, sir.

Q. And that was the money that was taken off her by Officers Dowell and Ohnimus? A. Yes, sir.

Mr. COLSTON.—We offer this money in evidence as Government's Exhibit No. 1.

EXCEPTION 1.

Q. Can you identify that photograph (handing)?

A. Yes, sir.

Q. Who is it? A. That is Matilda Campbell.

Q. The woman who gave her name as Matilda Campbell? A. Yes, sir.

Q. This is the woman whom you gave the money to, is it? A. Yes, sir.

Mr. COLSTON.—We offer this for identification only.

Mr. HENNESSY.—I object to it as immaterial, irrelevant and incompetent for any purpose whatsoever. [14]

(Testimony of Louis Remegi.)

The COURT.—The objection is overruled.

Mr. HENNESSY.—Exception.

Mr. COLSTON.—Officers Ohnimus and Dowell were with you at that time—I mean they came up later? A. Yes, sir.

Q. Do you know where Mr. Dowell is now?

A. Mr. Dowell is on his vacation.

Cross-examination.

Mr. HENNESSY.—Q. What is your business.

A. Agent for the Department of Justice.

Q. How long have you been connected with the Department of Justice?

A. About eight months.

Q. What was your business before you became connected with the Department of Justice?

A. I was an investigator for W. E. Mundell's Detective Agency.

Q. How long were you with Mundell?

A. Three years.

Q. Did you go up into this building alone on September 3d, or did Officers Dowell and Ohnimus go with you? A. I went up there alone.

Q. And you saw the defendant, Blanc?

A. Yes, sir.

Q. Where was he?

A. He was down on the second floor, near the office.

Q. What did you say to him?

A. I asked him for a girl.

Q. Didn't you ask him if the landlady was in?

A. No, sir.

(Testimony of Louis Remegi.)

Q. You are quite positive about that?

A. Yes, sir.

Q. What did he say to you?

A. He said that the girl was not working.

Q. As a matter of fact, didn't he say, "There is no girl here"?

A. No, sir, he said that she was not working.

Q. You are quite sure about that? A. Yes, sir.

Q. Had you known Matilda Campbell before this date? A. No, sir.

Q. You are quite sure of that? A. Yes, sir.

Q. Is it not a fact you had known her for about eight or nine months? A. No, sir. [15]

Q. And that you had repeatedly visited her?

A. No, sir.

Q. And had repeatedly committed acts of prostitution with her? A. No, sir.

Q. Did you on September 4th, when you went up to this room and saw this woman, did you commit an act of prostitution with her? A. No, sir.

Q. You are positive about that? A. Yes, sir.

Q. How long were you up in her room when you went up there on September 4th?

A. I must have been in the room while I was waiting about ten minutes, in room 17, where she told me to wait.

Q. How long were you in room 16?

A. I was not in room 16 until Officers Dowell and Ohnimus brought me there. I told them, "This is where the girl is."

Q. Where did you give her the money?

(Testimony of Louis Remegi.)

A. I gave her the money in room 17.

Q. Before you went in room 16?

A. Yes, sir. I went into room 16 after I came back and was with Officers Dowell and Ohnimus.

Q. There were no beds in room 17? A. No, sir.

Q. Just some chairs? A. Yes, sir.

Q. Did you go in room 16 at all before Dowell and Ohnimus came up? A. No, sir.

Q. Then there was no act of prostitution committed in room 16? A. No, sir.

Q. You never saw any act of prostitution committed on those premises, did you?

A. As I have told in my testimony to the District Attorney, there were two men waiting there while I was in room 17—

The COURT.—Q. He asks you if you saw any act of prostitution committed. A. No, sir.

Mr. HENNESSY.—Q. How many women were there in this house on that day?

A. She was the only one there that I know of.

Q. When you went up there on September 4th, what conversation did you have with the defendant Blanc? [16]

A. The only conversation I had with him was I asked him, "Is the girl in?" He said, "Yes, she is up in room 16," and told me to go up there.

Q. Nothing was said about any prostitution.

A. No, sir.

Q. Where was the defendant Blanc when you arrested him?

A. He must have been somewhere down on the

(Testimony of Louis Remegi.)

second floor; Mr. Dowell went down and got him and brought him up.

Q. About how many rooms in the building?

A. I didn't bother about investigating how many rooms.

Testimony of George Ohnimus, for the Government.

GEORGE OHNIMUS, called for the United States, sworn.

Mr. COLSTON.—Q. Mr. Ohnimus, you are a member of the San Francisco Police Department, working under the direction of Lieutenant Goff, are you not? A. Yes, sir.

Q. And you were on September 4th?

A. Yes, sir.

Q. Did you visit Mr. Blanc's place at 773 Boardway, on September 4th? A. Yes, sir, I did.

Q. Did you see Mr. Blanc there? A. Yes, sir.

Q. Is this place within ten miles of Goat Island?

A. Yes, sir, it is.

Q. Who is the proprietor of that place?

A. Matilda Campbell, on September 4th, at about 2:45 P. M. stated to me that she was the proprietor.

Q. I ask you, who was the proprietor of this particular place?

A. Matilda Campbell stated to me at the time that she was.

Q. And did you see the municipal licenses?

A. Yes, I did.

Q. Under whose name was that license?

A. August Blanc.

(Testimony of George Ohnimus.)

Mr. HENNESSY.—I object to that as immaterial, irrelevant and incompetent.

The COURT.—Are these licenses issued?

Mr. COLSTON.—We anticipate a defense to the effect that he is not the proprietor of the place. [17]

Mr. HENNESSY.—I will state now that that is not the defense. We admit that Blanc is the proprietor of the place, and he will so testify.

Mr. COLSTON.—Then, if you admit that, we will not pursue the examination any further.

Q. You were there on the afternoon of September 4th, were you? A. Yes, sir.

Q. Did you see Remegi there?

A. Yes, sir, I did.

Q. Did you see the Campbell woman there?

A. Yes, sir.

Q. Is this the woman you speak of (showing photograph)? A. Yes, it is.

Q. Do you know what she does for a living?

A. I have always known her to be a prostitute.

Q. About how long have you known her?

A. For the past eight years.

EXCEPTION 2.

Q. Had you ever before seen Mr. Blanc there?

A. Yes, I have.

Q. Did you ever have any talks with him?

A. Yes, sir.

Q. What was the nature of your conversations with him?

Mr. HENNESSY.—I object to that as immaterial, irrelevant and incompetent.

(Testimony of George Ohnimus.)

The COURT.—The objection is overruled.

Mr. HENNESSY.—Exception.

A. I went in the place with Officer Dowell on two or three occasions and I asked him if he had any women in the place, and he said “No.” I told him to be exceedingly careful not to have any women in there, that is, women that were practicing prostitution. I said it didn’t make a particle of difference whether they were leading a straight life, and he told me he would not have a woman in the place.

Q. State what happened on September 4th, when you went up there.

A. Remegi came out and told us that the woman had stated a price and—

Mr. HENNESSY.—I object to that as hearsay.

The COURT.—The objection is sustained. [18]

Mr. COLSTON.—Q. You went up there?

A. Yes, sir.

Q. And saw Remegi? A. Yes, sir.

Q. What statement did Remegi make, if any, in the presence of the defendant.

A. He stated that the woman had stated a price of \$1.50.

Q. Had you previously seen any money in the possession of Remegi? A. Yes, we had.

Q. Was it marked? A. Yes, sir.

Q. Did you see that money again? A. Yes, sir.

Q. Where did you get it?

A. It was in amongst a lot of other money in a purse—in Matilda Campbell’s money, in room 16.

Q. Where did you first see the Campbell woman?

(Testimony of George Ohnimus.)

A. In room 16, standing at the door.

Q. Did you see any other men around there?

A. No, sir.

Q. Did you see any men in 17?

A. No, sir, there was nobody in there at the time.

Q. State what Remegi said, if anything, in the presence of Blanc, regarding his finding this woman in 16, how he found her.

A. He stated to us that the man had sent him up there; he was there the night before; we were on the outside of the place. He came and told us the man told him to call around the next day, some time in the afternoon.

Q. What did he state that the man told him on the afternoon?

A. He told him to go up to room 16, that there was a woman up there.

Cross-examination.

Mr. HENNESSY.—Q. He didn't say, Officer, that he had gone into this house and asked to see the landlady, did he? A. No, he never told us that.

Q. He didn't tell you that he had known this woman for about eight or nine months?

A. No, sir.

Q. How long was he gone when he went up to this room on September 4th? You were down the street, as I understand it, were you? [19] A. Yes, I was.

Q. How long was he in the house?

A. Probably ten minutes; maybe fifteen at the utmost.

Q. You didn't see any other men in room 16 or

(Testimony of George Ohnimus.)

room 17? A. Not when I got there.

Q. Where was the defendant, Blanc, when you went up there?

A. He was standing down on the second floor, in a little room, sort of an office.

Q. How many rooms in the building? A. 30.

Q. Any other women in the house? A. No, sir.

Q. This was the only woman? A. Yes, sir.

Q. Do you know how long she had been living there?

A. I could not quite be positive; I think she must have been there about a month or two.

Redirect Examination.

Mr. COLSTON.—Q. Did she, in Blanc's presence, or did she state anything what she had been doing there?

A. I had a conversation there with Blanc that day.

Q. What did he say?

A. I said, "How many men have you been in the habit of sending up to this woman?" He said, "A few." I said, "What do you consider a few." He said, "Not many." I said, "What do you call 'many' "? He said, "Probably three or four."

Q. During what period would he send three or four? A. In a day; I asked him that.

Q. He made that statement to you, did *you*?

A. He did.

Q. Did she make any statement to you regarding her practicing prostitution there, in his presence?

A. No, she was upstairs at the time.

Testimony of Clifford J. Way for the Government.

CLIFFORD J. WAY, called for the United States, sworn.

Mr. COLSTON.—Q. You are a soldier, are you not? A. Yes, sir. [20]

Q. And you are detailed on the provost guard, under Captain Cochrane? A. Yes, sir.

Q. On the 4th of September, were you with Mr. Ohnimus, and Mr. Dowell, and Mr. Remegi?

A. Yes, sir.

Q. Do you know where Mr. Dowell is?

A. No, sir, at the present time I don't know where he is.

Q. Did you see Mr. Blanc on that day at 773 Broadway? A. Yes, sir.

Q. Did you hear any conversation between Mr. Ohnimus and Mr. Blanc? A. I did.

Q. Did you hear any conversation between Remegi and Ohnimus in Mr. Blanc's presence?

A. No, sir, I did not.

Q. What was the conversation you heard between Mr. Blanc and Mr. Ohnimus.

A. Mr. Ohnimus asked this man how many men he had been in the practice of sending up there a day, and this man made the statement that he had been sending three or four up there.

Q. Up where? A. Up to this lady's room?

Q. Do you remember the number of the room?

A. Yes, room 16.

Q. Did you see any women there? A. No, sir.

Q. Did you see that woman there (showing photo-

(Testimony of Clifford J. Way.)

graph)? A. Yes, sir.

Q. I believe you stated you didn't hear Mr. Remigi make any statement to Mr. Ohnimus in the presence of the defendant? A. No, sir, I did not.

Cross-examination.

Mr. HENNESSY.—Q. Mr. Ohnimus asked Mr. Blanc, didn't he, on September 4th, how many men had been in the habit of going up to this room?

A. How many men he had been sending up there.

Q. Nothing was said about prostitution?

A. No, sir.

Q. That is all that was said? A. Yes, sir.

EXCEPTION 3. [21]

Mr. COLSTON.—That is the Government's case, your Honor.

Mr. HENNESSY.—I would like to move for a directed verdict upon the count that charges the defendant with keeping a house of ill-fame, upon the ground that a single act of prostitution would not constitute a house of ill fame.

The COURT.—That is quite true, but that is not this case. I am not passing on the weight of the evidence, but the jury, if they believe the evidence, might well find that it was a place where prostitution was habitually carried on. Motion denied.

Mr. HENNESSY.—Exception.

EXCEPTION 4.

Mr. HENNESSY.—I would also move for an instructed verdict of not guilty upon the other count upon the ground that the evidence does not show

(Testimony of August Blanc.)

that this man had knowledge that this woman was receiving men for the purpose of prostitution; secondly, it does not show that this house was a place maintained for the purpose of prostitution.

The COURT.—The same ruling.

Mr. HENNESSY.—Exception.

Testimony of August Blanc, in His Own Behalf.

AUGUST BLANC, the defendant, sworn.

Mr. HENNESSY.—Q. What is your name?

A. August Blanc.

Q. Where do you live? A. 773 Broadway.

Q. What is your business?

A. Running a hotel.

Q. What is the name of your hotel?

A. The Globe Hotel.

Q. How many rooms have you in your hotel?

A. I have got about thirty rooms.

Q. How long have you been conducting this hotel?

A. About five years.

Q. You are the proprietor of it? A. Yes, sir.

Q. You saw Mr. Remegi, the young man who testified here, on September [22] 3d, at your house?

A. Yes, sir, I saw him.

Q. What time did he come there?

A. I think it was pretty near ten o'clock.

Q. And you had some conversation with him there, did you? A. Yes, sir.

Q. Tell the Court and jury everything that was said by him; everything that was said by you and by him.

(Testimony of August Blanc.)

A. He came along, I think he was a little drunk—I think he was, because he started to talk to me in Italian; he started to talk Italian. I couldn't understand nothing. I told him, "If you don't speak English I can't understand you." He began pronouncing a little bit English. He said, "Is the landlady upstairs?" I said, "No." "Where is she?" "She went out." "Where?" "I think she went to Green street." He said, "Where, what number?" I said, "I don't know."

Q. What else did he say?

A. Afterwards he said, "I will be back to-morrow."

Q. He said, "I will be back to-morrow."

A. "To-morrow," yes.

Q. And when he went in there, he asked if the landlady was upstairs? A. Yes.

Q. He didn't ask you if there were any girls there?

A. No, he asked me if the lady was upstairs.

Q. And did he come back the following day?

A. Yes, the following day.

Q. About what time?

A. About two o'clock, I guess.

Q. And you saw him, did you?

A. Yes, I saw him; I was in my room.

Q. And what did you say to him and what did he say to you?

A. He said, "Has the lady come?" I said "Yes, right at the top of the stairs, on the second floor."

Q. And what did he do then?

A. He went upstairs right away.

(Testimony of August Blanc.)

Q. Did you see him later in the afternoon?

A. Sure, I did. I [23] was after shaving when he came. When he went upstairs I went over there and shaved myself, and I came back in my room and the officer called me. I seen one man going in my room, and I said, "What is the matter with you; I won't allow you to go to my room."

Q. What floor was your room on?

A. The first floor.

Q. It is the second floor of the building, isn't it?

A. No, there are only two floors, the first and the second.

Q. What floor was room 16 on?

A. The second floor.

Q. And 17? A. Yes, sir.

Q. Where was Matilda Campbell at the time Remegi came back on September 4th?

A. She was right there on the stairway, on the second floor, on the stairway.

Q. She was on the stairway? A. Yes, sir.

Q. Did you hear the conversation she had with Remegi? A. No, sir.

Q. Was anything said in your conversation with Remegi about sending him up to any girl for prostitution? A. No, sir.

Q. Did you know that he was going up to Matilda Campbell for the purpose of committing an act of prostitution? A. No, I don't know nothing.

Q. How long has Matilda Campbell been living in your house? A. Since about the 1st of July.

Q. Since the first of July? A. Yes, sir.

(Testimony of August Blanc.)

Q. Are there any other women in your house?

A. No, sir.

Q. What has Matilda Campbell been doing in your house?

Q. She went there for one week because she intended to buy the place; she intended to buy the place and she did. She bought me out on the 10th of July.

Q. Did she pay you anything?

A. She paid me the first month.

Q. How much? A. \$100. [24]

Q. That was for the month from the 10th of July to the 10th of August?

A. Yes, sir, the 10th of August.

Q. Then what arrangement did you make with her?

A. The arrangement we made, she should pay me \$100 a month; she said, "If I can't run the place, if I can't pay you, we give each other one month"; she said, "If I am not satisfied I give you one month and you take your place again."

Q. She paid you one month's rent, from July 10th to August 10th? A. Yes, sir.

Q. With the understanding that if she was dissatisfied you would take your place back?

A. Yes, sir.

Q. Was she dissatisfied at the end of the month, on the 10th of August?

A. Yes, sir; on the 10th of August she said she couldn't run the place, she could not pay.

Q. And you took your place back and you have been running it ever since? A. Yes, sir.

(Testimony of August Blanc.)

Q. What has she been doing there?

A. She is helping me a little bit, and at the same time trying to find some other employment.

Q. Did she do any work about the place?

A. Yes, sir.

Q. What work did she do?

A. She helped me right there on the first floor; she helped me making beds and cleaning up a little.

Q. Did you know that she had previously been a prostitute? A. No, sir.

Q. You have only known her since she came there, since about the first of July?

A. Otherwise I would not keep her.

Q. You had no other women in this building?

A. No, sir.

Q. How many rooms were there there? A. 30.

Q. How many of those rooms were rented on the 4th of September? A. 22.

Q. They were all rented to men, were they?

A. Yes, sir.

Q. And those men are employed in different places about the city, are they? A. Yes, sir. [25]

Q. Have you ever been in any trouble of any kind?

A. No, sir; I have been there for five years and I have had no trouble at all.

Q. This is the first time you were ever arrested, isn't it? A. Yes, sir.

Q. And you are positive in your statement, are you, that when Mr. Remegi came up there on the 3d of September he asked you to see the landlady?

A. Yes, sir.

(Testimony of August Blanc.)

Q. And you said she was out?

A. She was out; yes, sir.

Q. And he said he would return to-morrow?

A. To-morrow; yes, sir.

Q. And then he came back the next day and he asked you is the lady upstairs? A. Yes, sir.

Q. And you said, "Yes"? A. Yes, sir.

Q. And he went upstairs? A. Yes, sir.

Q. And that is all that occurred? A. Yes, sir.

Q. Did you tell Officer Ohnimus that you had been sending men up to this woman's room?

A. No, sir.

Q. What conversation did you have with the officer?

A. I could not remember. He asked me if I had any women in the house and I said, "No, I don't want no women in the house."

Q. Did you have any knowledge that this woman, Matilda Campbell, was practicing prostitution there?

A. No, sir.

Q. Did you at any time send any men to her for the purpose of committing acts of prostitution?

A. No, sir; I never did.

Cross-examination.

Mr. COLSTON.—Q. How long have you been living at San Francisco? A. Since 1910.

Q. Where were you born? A. In France.

Q. Are you a citizen of the United States?

A. No, sir.

Q. You state that you have about 30 rooms there?

A. Yes, sir. [26]

(Testimony of August Blanc.)

Q. And that you saw Remegi there on the 3d, the day before you were arrested? A. Yes, sir.

Q. And he was drunk?

A. He was half drunk; he could not hardly talk.

Q. He could not hardly talk? A. No.

Q. Did you smell anything on him?

A. No, I was not near him, because he was not clean; he was kind of dirty.

Q. Was he drunk on September 4th when he went back again?

A. No, he was all right; he talked very good English then.

Q. He spoke very good English then?

A. Yes, sir.

Q. What time did he come there on September 3d?

A. I guess about ten o'clock.

Q. You are sure that this Campbell woman was at the head of the stairs when he came in on September 4th? A. I don't understand you.

Q. I will withdraw that question. What room did the Campbell woman have there?

A. She had room 16.

Q. Who had room 17? A. Nobody.

Q. Was there any bed in room 17?

A. Yes; a big bed in there.

Q. A big bed in room 17? A. Yes, sir.

Q. And there is now, is there? A. Yes, sir.

Q. Right now?

A. Yes; all the time; I have it rented every night.

Q. You rent 17 every night? A. Yes, sir.

Q. There has been a bed in there all the time, has

(Testimony of August Blanc.)

there? A. All the time.

Q. When he asked for this woman, on the evening of the 3d, what did you tell him?

A. The lady? [27]

Q. This young man Remegi.

A. I told him the lady she is out.

Q. What did he say?

A. He asked me where she went. I said, "She went in Green street."

Q. Did you tell him what time she would be back?

A. After Green street he asked me the number.

Q. And the place where she went? A. Yes, sir.

Q. Did you tell him?

A. I told him I don't know.

Q. What did he say then?

A. "All right, I will be back to-morrow."

Q. Did he seem to know what he was doing?

A. No, sir.

Q. Didn't seem to know what he was doing?

A. No, sir.

Q. He seemed to be drunk?

A. Yes, he was all dirty, all black as can be.

Q. He was black, was he?

A. Yes, he was like those fellows who come from work on the ships.

Q. And is that what you base your opinion on that he was drunk?

A. No, because he could not talk hardly any; he talked Spanish, he talked Italian; I couldn't understand nothing.

Q. What floor is your room on?

(Testimony of August Blanc.)

A. The first floor.

Q. And what floor is her room on?

A. The second floor.

Q. That is the third floor from the ground floor; counting the ground floor as one, you were on the second floor?

A. The ground floor is the basement.

Q. Is there a store underneath your house?

A. Yes, sir.

Q. Then you are on the floor above that?

A. Yes, sir.

Q. That is the second floor, and then she is on the floor above you. Is that right? A. Yes, sir.

Q. On the 4th, when Mr. Remegi came up, what was it he said?

A. He said, "Has the lady come back?" I said, "Yes; right on top of the stairs, on the second floor."

[28]

Q. You said what?

A. I said, "She is right on top, on the second floor."

Q. You told him she was back, did you?

A. Yes, sir.

Q. And you are quite positive you did not make any statement in the presence of Mr. Ohnimus, I mean to Mr. Ohnimus, in the presence of Clifford Way, that you had been sending a few men a day up there, three or four?

A. I don't know that name, Mr. Ohnimus.

Q. The soldier, did you see the soldier there?

A. When?

(Testimony of August Blanc.)

Q. On the 4th? A. No, I don't think so.

Q. When you were arrested?

A. On the 4th, I was not there.

Q. On September 4th you were not there?

A. I was not there, no, sir; I was in jail.

Q. You were arrested on September 4th, were you not? A. Yes, sir.

Q. When you were arrested, did you see a soldier there?

A. No, sir; I never saw no soldier there because I don't allow soldiers in the house.

Q. Was there a soldier there with Dowell and Ohnimus? A. No.

Q. Was the young man who sat here in soldier's uniform, was he in civilian's clothes that day?

A. I never saw that soldier at all.

Q. Was there somebody else with Mr. Ohnimus?

A. I didn't see that soldier.

Q. Did you have any conversation with Mr. Ohnimus, this gentleman here (addressing Mr. Ohnimus)? Stand up, Mr. Ohnimus. Did you talk to him before you were arrested?

A. I talked to that officer for a minute or two.

Q. Did you have a talk with him on the 4th?

A. Yes, because they took me upstairs into room 16. [29]

Q. That is where this woman was, the Campbell woman? A. Yes, sir.

Q. Did you have a talk with him downstairs, before you went up there? A. No, sir.

Q. None at all?

(Testimony of August Blanc.)

A. None at all; the other officer arrested me.

Q. Dowell? A. Dowel, yes.

Q. And where did you first see Mr. Ohnimus?

A. He was in the room.

Q. That was the first place you saw him?

A. Yes, in room 16.

Q. You didn't see him downstairs in the office?

A. No, sir.

Q. You are quite sure about that, are you?

A. Yes, very sure.

Redirect Examination.

Mr. HENNESSY.—Q. There was no soldier in uniform there? A. No, I didn't see no soldier.

Q. They were all in civilian's clothes?

A. I never saw any soldier.

Q. There was a bed in room 17, was there, on September 3d and on September 4th? A. Yes, sir.

Q. You are positive about that, are you, Mr. Blanc? A. Yes, sir.

Q. And when Mr. Remegi came on the 4th, he asked you is the lady back? A. Yes, sir.

Q. And you said, "Yes; she is upstairs"?

A. Yes, sir.

Q. And he then went upstairs? A. Yes, sir.

Q. And that is all that took place, is it?

A. Yes, sir.

Testimony of Matilda Campbell, for Defendant.

MATILDA CAMPBELL, called for the defendant, sworn.

Mr. HENNESSY.—Q. Your name is Matilda

(Testimony of Matilda Campbell.)

Campbell? A. Yes, sir.

Q. You were formerly on the line in this city, were you? [30] A. Yes, sir.

Q. You were a prostitute? A. Yes, sir.

Q. Do you know Mr. Remegi, the young man over there? A. Yes, sir.

Q. How long have you known him?

A. A little bit over a year.

Q. Where did you first become acquainted with him? A. On Pacific street.

Q. What number on Pacific street?

A. 523½.

Q. How frequently have you seen him during the past year?

A. Several times; I could not mention how many times, but several times.

Q. And have you talked with him during that period? A. Yes, sir.

Q. Did you see him on September 4th of this year?

A. Yes, sir.

Q. In the Globe Hotel? A. Yes, sir.

Q. State everything that occurred on September 4th at the Globe Hotel, in relation to this charge here.

A. Well, you see, I heard him talking downstairs, and then he came up and I recognized him.

Q. Who came up?

A. Remegi; and I said, "Why, how do you feel? A long time I have not seen you." He said, "Yes, I was away in the country." And so then after, you—I don't like to say it.

Q. Testify fully, tell everything that occurred.

(Testimony of Matilda Campbell.)

A. I was cleaning the room. I said, "Wouldn't you kindly wait a little bit?" And he waited; and so I took him in and he gave me \$1.50.

Q. In what room did you take him? A. 16.

Q. Were there any other men there?

A. No, sir.

Q. Were there any men in room 17?

A. No, sir.

Q. And after that you went into room 16 with Mr. Remegi; tell the Court and the jury everything that occurred there.

A. Well, you see, Mr. Blanc didn't know anything what I was doing, and so when I had an old friend what I used to know I took a chance, and I had intercourse with Remegi. [31]

Q. You had intercourse with Remegi?

A. Yes, sir.

Q. In room 16? A. Yes, sir.

Q. On the 4th day of September?

A. On the 4th day of September.

Q. How long was he in the room with you?

A. Oh, about ten or fifteen minutes.

Q. Then after he left the room what occurred?

A. He went down and he came back; he had a bundle under his arm. Before he left I told him, "I think you are forgetting something," and he took the bundle up. Afterwards he came back again, and I said, "Did you forget something?" and he said, "No, the police." And then in the meantime Mr. Ohnimus and Mr. Dowell came up.

Q. And then what occurred?

(Testimony of Matilda Campbell.)

A. And then they arrested me, and they arrested my landlord, but he is not the cause of anything.

Q. Did the landlord know that you had been a prostitute? A. Absolutely not.

Q. How long have you been living in Blanc's hotel? A. I lived there since July.

Q. Under what conditions did you go to live in this place?

A. I went there to buy the place; I rented it first for a month to see how it was getting along, and if I could make arrangements that I could pay him every month so much; the first month I paid him, but I couldn't do it, because I didn't have the money.

Q. And you have been living there ever since?

A. Yes, sir.

Q. Have you been doing any work about the house?

A. I have been helping him cleaning up the rooms.

Q. Did Blanc know that Remegi went to your room for the purpose of prostitution?

A. No, he didn't know that.

Q. Did Blanc know that you had been practicing prostitution in the house?

A. No, he didn't know that neither.

Q. Were there any other women in the house?

A. No. [32]

Q. You were the only woman? A. Yes.

Q. How many rooms were rented on September 4th?

A. They nearly was all rented there; there was only I think about two rooms empty.

Q. Did you see any man in uniform with Officers

(Testimony of Matilda Campbell.)

Dowell and Ohnimus and Mr. Remegi? A. No.

Q. Have you within the past year prior to this date of September 4th performed acts of sexual intercourse with Mr. Remegi? A. Yes, sir.

Q. On more than one occasion? A. Yes.

Q. Where?

A. On Pacific street and over there.

Q. He was a friend of yours? A. Yes.

Cross-examination.

Mr. COLSTON.—Q. How many times had you had sexual intercoures with Mr. Remegi?

A. I could not tell you exactly how many.

Q. Where did you first meet him?

A. On Pacific street.

Q. When? A. It was last year.

Q. Where on Pacific street? A. 5231/2.

Q. 5231/2 Pacific street? A. Yes, sir.

Q. How long ago?

A. It is pretty near a year ago.

Q. Pretty near a year ago? A. Yes, sir.

Q. Who was with him? A. He was alone.

Q. What took place in room 17 up there the other night, on September 4th?

A. He was not in room 17.

Q. Is there a bed in room 17? A. Yes, sir.

Q. Any other furniture?

A. Yes. There is a bureau, chairs, table.

Q. And there was at that time? A. Yes, sir.

Q. And there is now?

A. Yes, there is now. [33]

Q. You are sure about that? A. I am sure.

(Testimony of Matilda Campbell.)

Q. Did you see Mr. Ohnimus and Mr. Dowell on that occasion? A. Yes, sir.

Q. How long have you known Mr. Ohnimus?

A. Oh, I know Mr. Ohnimus quite a while.

Q. Seven or eight years? A. Yes, sir.

Q. You knew him when you were practicing prostitution down on Jackson street, didn't you?

A. Yes, sir.

Q. That was seven or eight years ago?

A. Yes, sir.

Q. That was during the time of the segregated district, that is the time this picture was made, isn't it?

A. I think so; that is the only picture they have.

Q. Is it not a fact that you and Blanc are living there together in this place at the Globe Hotel?

A. Yes.

Q. You are living there together?

A. I live upstairs and Mr. Blanc lives downstairs.

Q. Is it not a fact that you have been living there as his mistress for the past three months?

A. Mistress, no.

Q. You are a French woman, aren't you?

A. No.

Q. What nationality are you?

A. I am German descent.

Q. And you are sure you have not been living there with Blanc all this time? A. Yes, I am sure.

Q. Blanc has no wife living there?

A. No, he has no wife.

Q. You and Blanc are the only ones that live there outside of the roomers? A. Yes, sir.

(Testimony of Matilda Campbell.)

Q. How long have you known Mr. Blanc?

A. I know him a little while; I know him because I used to visit his partner upstairs, when he was in partnership; that was a lady.

Q. How long have you known him?

A. About three or four years.

Q. While you were practicing prostitution on Pacific street, about how many men did you see a day? A. I couldn't tell. [34]

Q. Well, about how many? Did you see as many as five or six a day? A. No.

Q. Did you see as many as three or four?

Q. As many as one or two? A. About that.

Q. You state that Louis Remegi has had sexual intercourse with you within the past year how many times? A. I think about three or four times.

Q. About three or four times? A. Yes, sir.

Q. Where and when? You remember that, do you not? Q. Well, two or three times up at 773.

Q. Pacific street? A. No, 773 Broadway.

Q. Up there where you are now? A. Yes.

Q. When was he there before?

A. In the last month.

Q. In August? A. In July and August.

Q. In July and August? A. Yes, sir.

Q. And he was up there two or three times?

A. Yes, sir.

Q. Then how many times did you see him on Pacific street? A. Maybe once or twice.

Q. And then where did you next see him?

A. That is all.

(Testimony of Matilda Campbell.)

Q. And it is about a year from the time you first saw him until you saw him the second time?

A. Yes, sir.

Q. Who was in room 17 when Remegi was in your room up there?

A. Nobody; I was cleaning the room.

Q. Were you cleaning 17?

A. Yes, sir, I was cleaning 17 and 16.

Q. Were you cleaning 17 when he was up there?

A. Yes, sir.

Q. And you were inside the room cleaning it?

A. No, I was at the head of the steps when he came up.

Q. How did you happen to be at the head of the steps, if you were cleaning 17?

A. Because I just had my bucket and was carrying it out, and the head of the steps is right where I have to pass. [35]

Q. And you heard Mr. Ohnimus state that Mr. Blanc had stated that he sent three or four men a day to your room up there?

A. No, I never heard that statement.

Q. How many men a day did you receive at the Globe Hotel?

A. Some days none at all; hardly any.

Q. How much rent were you paying Mr. Blanc there?

A. I was paying for one month \$100, and afterwards I just worked for my board and lodging until I found another employment, which I am seeking now.

(Testimony of Matilda Campbell.)

Q. When you met Mr. Remegi what was he working at then?

A. I don't know; I never ask anybody what they are doing.

Q. You don't? A. No.

Q. Can you remember men that you stayed with a year ago for just once or twice?

A. I have a pretty good memory; yes.

Q. You would not state, if you stayed with a man to-day, that you would remember him in a year from now, would you?

A. Unless he has changed a whole lot.

Q. When you were on the line you would stay with as high as 15 or 20 men a day, wouldn't you?

A. We never pay attention to that.

Mr. HENNESSY.—I object to that as too remote; it is eight years ago. It is immaterial, irrelevant and incompetent; it has no bearing on this case; it is not proper cross-examination.

The COURT.—The question has been answered as far as she can answer it.

Mr. CLOSTON.—That is all.

Mr. HENNESSY.—That is our case. [36]

**Testimony of Louis Remegi, for the Government
(Recalled in Rebuttal).**

LOUIS REMEGI, recalled for the United States in rebuttal.

Mr. COLSTON.—Q. Were you drinking when you were up at this man's place on the third?

A. No, sir.

(Testimony of Louis Remigi.)

Q. Do you drink? A. No, sir.

Q. Do you drink anything at all?

A. No, not at all.

Q. Had you ever seen this woman before?

A. That is the first time I ever seen her, on the 4th.

Q. You are sure of that, are you? A. Yes, sir.

EXCEPTION 5.

Q. If you had an act of sexual intercourse with a woman, would you bring her up on trial here before these gentlemen?

Mr. HENNESSY.—I object to that as immaterial, irrelevant and incompetent, and not rebuttal.

Mr. COLSTON.—This young man's character has been attacked and while I don't think the jury will take it any more seriously than I do, I think this testimony is proper.

Mr. HENNESSY.—I don't think the Court or the jury want a certificate of character from the young man himself, and that is what that question implies.

The COURT.—The objection is overruled.

Mr. HENNESSY.—Exception.

EXCEPTION 6.

Mr. COLSTON.—Q. Would you, if you had an act of sexual intercourse with any woman, would you bring her up here for trial?

Mr. HENNESSY.—I make the same objection.

The COURT.—The objection is overruled.

Mr. HENNESSY.—Exception.

A. No, sir.

Mr. COLSTON.—Q. Did you ask Blanc to see the

(Testimony of Louis Remigi.)

landlady when [37] you went up there?

A. No, sir; when I entered that hotel I said I wanted to see a girl. This was on the 3d. He said, "The girl is not in now." He said, "She lives somewhere out on Green street; come back here tomorrow at two o'clock and she will be here."

Q. He said, "She lives somewhere out on Green street?" A. Yes, sir.

Cross-examination.

Mr. HENNESSY.—Q. You are sure he said she lives rather than that she was out on Green street?

A. He told me that she lives out on Green street.

Mr. COLSTON.—Q. You are sure there is no bed in Room 17?

A. Yes, there was no bed in that room that day.

**Testimony of George Ohnimus, for the Government
(Recalled in Rebuttal).**

GEORGE OHNIMUS, recalled in rebuttal.

Mr. COLSTON.—Q. I believe you stated on direct examination—I am not positive about it—about a bed in 17, about there not being a bed in it.

Mr. HENNESSY.—He didn't testify to that at all.

Mr. COLSTON.—Q. Was there or was there not a bed in room 17? A. No, sir, there was not.

Q. Mr. Way was with you there on that occasion?

A. Yes, sir, he was.

Q. Did Blanc make any statement on that occasion as to whether or not this woman was the landlady?

(Testimony of George Ohnimus.)

A. She tried to tell me she was the landlady, and showed me the lease, and I went downstairs and saw the municipal license—

Mr. HENNESSY.—I move that that testimony be stricken out as not responsive.

Mr. COLSTON.—Q. What did he say about it?

A. He said he was the proprietor.

Q. Did he state that she was working there for him, or anything [38] like that?

A. He said that she helped him out.

Q. What was in Room 17?

A. To the best of my recollection there was an old-style center table there and probably six, or eight, or ten chairs of different varieties, old-style chairs, spread around the room.

Q. And his statement he made in regard to sending men up there was made in the presence of Way, just as Way has stated?

A. Way was probably two or three feet from me.

Q. You heard him state that Mr. Dowell arrested him and took him up there?

A. Mr. Dowell didn't have any conversation with him at the time he was upstairs; I was standing downstairs talking to him. Mr. Dowell came from upstairs after the woman got dressed; he came down to the office after she got dressed.

Q. And it was you who was with him?

A. Yes, I went down, and looked at the municipal license and had the conversation with him.

Cross-examination.

Mr. HENNESSY.—Q. Who arrested him?

(Testimony of George Ohnimus.)

A. Both of us were in the place at the time.

Q. Dowell was there when he was arrested?

A. Yes, sir.

Q. Where was he when he was arrested?

A. He was standing in front of the office, on the second floor.

Q. Was he shaving himself?

A. Yes, sir, he was.

Q. When you went upstairs and arrested this woman, what room was she in?

A. She was in Room 16.

Q. And your conversation took place in Room 16, didn't it? A. Yes, it did.

Q. How did you happen to go in Room 17?

A. Remegi told me she had placed him in there, and I went in there to observe the room.

Q. Was the door to Room 17 closed or open?

A. Open; they were adjoining; not connected, but adjoining from the hall. [39]

Q. Where were you while Remegi was up in the building?

A. Standing on the corner of Broadway and Stockton.

Q. And Mr. Dowell and the soldier were there?

A. They were, up above somewhere. I didn't pay a great deal of attention to where they were.

Q. They were down on the street, though?

A. Yes.

Mr. COLSTON.—Would your Honor at this time give us a recess until two o'clock? I think there is a probability of some other evidence. It being just

(Testimony of George Ohnimus.)

about twelve now—I don't want to put the jury out, but if your Honor would give the recess I would appreciate it. I will tell you frankly what I want to do. I want to send somebody down to Room 17 to see if the room is furnished or not. We admit that that would be no evidence of the fact that it was unfurnished at that time, but I want the jury to know the truth about Room 17.

Mr. HENNESSY.—I have no objection whatsoever. Personally I would like to go down myself.

The COURT.—Oh, no, I don't think I will bring the jury here this afternoon to find out whether Room 17 is now furnished or not.

Mr. COLSTON.—Then shall we proceed, your Honor?

The COURT.—Yes. That would not, of course, Mr. Colston, prevent you sending somebody down to find out for your own satisfaction.

Mr. COLSTON.—It would do the jury no good.

The COURT.—I am not concerned about that, but I mean in view of other matters.

(Thereupon, after argument by the respective counsel, the Court instructed the jury as follows:)

[40]

Charge of the Court to Jury.

The COURT (Orally).—Gentlemen, the defendant is on trial on two informations, both arising under the provisions of the selective service law. That law provides, first, that the Secretary of War and the Secretary of the Navy are authorized, empowered and directed during the present war to do

everything by them deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels or bawdy-houses within such distance as they may deem needful of any military camp, station, fort, post or any place under the Naval authority, and any person who shall violate any order, rule or regulation issued to carry out the objects and purposes of this section shall be punished as therein provided.

The Secretary of the Navy has designated ten miles from any place under the United States Naval jurisdiction within which houses of prostitution or ill fame may not be carried on, and has made the further regulation on the theory, of course, that these places can be suppressed if they cannot get any patronage, and for the purpose of suppressing them so far as possible in that way, the regulation that it shall be unlawful for any person to direct, take or offer to take or transfer, or assist by any means, any person to find any house of ill fame, brothel or bawdy-house located within ten miles of any place under naval jurisdiction.

The defendant is charged under both of these provisions, one with keeping a house wherein prostitution was carried on, and the other with directing and assisting Louis Remegi to find a room and place where such prostitution was carried on. Those are the issues that you are called upon to try and determine from the evidence that has been presented before you.

A house of prostitution is a house or a room wherein [41] prostitution is habitually carried

on. Prostitution is the indiscriminate giving up of the body of a woman to the use of men to hire.

The defendant is presumed to be innocent. That presumption attaches throughout all the stages of the trial until you have determined otherwise by your verdict. You should not so determine unless you are satisfied of his guilt to a moral certainty and beyond a reasonable doubt.

A reasonable doubt is that state of the case which after an entire comparison and consideration of all the evidence leaves the minds of the jurors in that condition that they cannot say that they have an abiding conviction to a moral certainty of the truth of the charge.

You are the exclusive judges of the evidence and of the credibility of the witnesses, and of the weight to be attached to their evidence. In weighing this evidence, it is very proper for you to take into consideration the manner of the witness on the stand, the interest he may have in the result of your deliberations, and apply your judgment and common sense to those propositions and determine who is telling the truth. Manifestly, on one side or the other somebody is lying.

A motion for a directed verdict was made and denied by the Court; the effect of that indicates that in the judgment of the Court, if they believe the evidence of the prosecution and are satisfied of its truth beyond a reasonable doubt, there is evidence to warrant a conviction on each count.

(Thereupon at twelve o'clock noon, the jury retired, and subsequently, at 12:20 P. M., returned

into court and rendered a verdict of guilty on both counts.) [42]

After the jury had returned a verdict, the Court set the 24th day of September, 1918, as the day of sentence; thereafter on September 24th, 1918, the matter was continued for judgment and sentence to September 26th, 1918, at which time the Court rendered judgment sentencing said defendant August Blanc to serve one year, upon each of said charges, said sentences to run concurrently. Thereafter, on the said day, the said Court made an order that said informations No. 7248 and 7249 be consolidated for the purpose of appeal and all further proceedings.

Said defendant August Blanc hereby presents the foregoing as his bill of exceptions herein and respectfully asks that the same be allowed, signed and sealed and made a part of the record in this case.

Dated this 4th day of October, 1918.

AUGUST BLANC.

FRANK J. HENNESSY,

Attorney for Plaintiff in Error. [43]

In the District Court of the United States, in and for the Southern Division of the Northern District of California.

Nos. 7248-7249—Con.

AUGUST BLANC,

Plaintiff in Error.

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Notice of Presentation of Bill of Exceptions.

To John W. Preston, Esq., United States District Attorney, Northern District of California, and to J. E. Colston, Esq., Assistant:

YOU WILL PLEASE TAKE NOTICE that the foregoing constitutes and is the proposed bill of exceptions of the plaintiff, in error, August Blanc, in the above-entitled cause, and the said plaintiff in error will apply to the said court to allow said bill of exceptions herein.

FRANK J. HENNESSY,
Attorney for Plaintiff in Error. [44]

In the District Court of the United States, in and for the Southern Division of the Northern District of California.

AUGUST BLANC,

Plaintiff in Error.

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Stipulation Re Bill of Exceptions.

IT IS HEREBY STIPULATED AND AGREED that the foregoing bill of exceptions is correct and that the same may be signed, allowed and be sealed by the Court.

Dated this 16th day of January, 1919.

A. A. ADAMS,
United States Attorney.
JAMES E. COLSTON,
Assistant United States Attorney.
FRANK J. HENNESSY,
Attorney for Plaintiff in Error. [45]

*In the District Court of the United States, in and
for the Southern Division of the Northern Dis-
trict of California.*

AUGUST BLANC,

Plaintiff in Error.

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Order Settling Bill of Exceptions, etc.

This Bill of Exceptions having been duly presented to the Court within the time allowed by law and rules of the Court, and within the time extended by the order of the Court duly and regularly made, is now signed, sealed and made a part of the records in this case, and is allowed as correct.

Dated at San Francisco, California, this 16 day of January, 1919.

M. T. DOOLING,
Judge of the District Court of the United States, in
and for the Southern Division of the Northern
District of California.

Due service and receipt of a copy of the within

notice of presentation of bill of exceptions is hereby admitted this 4th day of October, 1918.

A. A. ADAMS,
United States District Attorney.
J. E. C.

Due service and receipt of a copy of the within order of Judge settling bill of exceptions is hereby admitted this 16th day of Jan., 1919.

A. A. ADAMS,
United States Attorney.
J. E. C.

[Endorsed]: Filed Jan. 16, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [46]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7248.

THE UNITED STATES OF AMERICA
vs.
AUGUST BLANC.

Verdict.

We, the Jury, find August Blanc, the defendant at the bar, Guilty.

FRED W. BOOLE,
Foreman.

[Endorsed]: Filed Sept. 19, 1918, at 12:15 P. M. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [47]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7249.

THE UNITED STATES OF AMERICA
vs.
AUGUST BLANC.

Verdict.

We, the Jury, find August Blanc, the defendant at the bar, Guilty.

FRED W. BOOLE,
Foreman.

[Endorsed]: Filed Sept. 19, 1918, at 12:15 o'clock P. M. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [48].

In the Southern Division of the United States District Court in and for the Northern District of California.

(Nos. 7248-7249—Con.)

AUGUST BLANC,
Plaintiff in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

Motion for a New Trial.

Now comes August Blanc, the defendant in the above-entitled cause, by Frank J. Hennessy, his at-

torney, and moves the Court to set aside the verdict rendered herein and to grant a new trial and for reasons therefor shows to the Court the following:

a. That the verdict upon Information No. 7248 is contrary to the law of the case.

b. That the verdict upon Information No. 7249 is contrary to the law of the case.

c. That the verdict upon Information No. 7248 is not supported by any evidence in the case.

d. That the verdict upon Information No. 7249 is not supported by any evidence in the case.

e. The Court upon the trial of the case admitted incompetent evidence offered by the United States of America.

f. The Court improperly instructed the jury to defendant's prejudice.

AUGUST BLANC,

Defendant.

By FRANK J. HENNESSY,

Attorney for August Blanc.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling, Clerk. By C. W. GCalbreath, Deputy Clerk. [49]

In the Southern Division of the United States District Court in and for the Northern District of California.

(Nos. 7248-7249—Con.)

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Motion in Arrest of Judgment.

And now after verdict against the said defendant and before sentence, comes the said defendant in his own proper person and by Frank J. Hennessy, his attorney, and moves the Court here to arrest judgment herein and not pronounced sentence for the following reasons:

I.

That the defendant has never been committed by any magistrate or indicted by any grand jury of the offense charged in Information No. 7248, or of the offense charged in Information No. 7249.

II.

That Information No. 7248 does not charge or state facts sufficient to constitute a public offense under the laws of the United States.

III.

That Information No. 7249 does not charge or state facts sufficient to constitute a public offense under the laws of the United States.

AUGUST BLANC,

Defendant.

By FRANK J. HENNESSY,

Attorney for Defendant.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [50]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, on Thursday, the 26th day of September, in the year of our Lord one thousand nine hundred and eighteen. Present: The Honorable MAURICE T. DOOLING, Judge.

No. 7248.

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Minutes of Court—September 26, 1918—Judgment.

This case came on regularly this day for pronouncing of judgment upon defendant. Said defendant was present in court with attorney, Frank J. Hennessey, Esq. J. E. Colston, Esq., Special Assistant United States Attorney was present for and on behalf of the United States. Defendant was called for judgment. Defendant made motion for new trial, which motion the Court ordered denied. Defendant then made motion in arrest of judgment, which motion the Court ordered denied. No cause appearing why judgment should not be pronounced herein, the Court ordered that said defendant be imprisoned for the period of one (1) year in the County Jail, city and county of San Francisco, State of California, that defendant stand committed to the custody of the United States

Marshal for this District, and that commitment issue accordingly. Petition for writ of error and assignment of errors were presented, and the Court ordered that appeal be allowed and bond for appearance of defendant herein be fixed in the sum of Twenty-five Hundred (\$2,500) Dollars, and cost bond fixed in the sum of Two Hundred Fifty (\$250) Dollars. [51]

At a stated term of the District Court of the United States of America for the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, on Thursday, the 26th day of September, in the year of our Lord one thousand nine hundred and eighteen. Present: The Honorable MAURICE T. DOOLING, Judge.

No. 7249.

UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Minutes of Court—September 26, 1918—Judgment.

This case came on regularly this day for pronouncing of judgment upon defendant. Said defendant was present in court with attorney, Frank J. Hennessy, Esq. J. E. Colston, Esq., Special Assistant United States Attorney, was present for and on behalf of the United States. Defendant was called for judgment. Defendant made motion for new trial, which motion the Court ordered denied. Defendant

then made motion in arrest of judgment, which motion the Court ordered denied. No cause appearing why judgment should not be pronounced herein, the Court ordered that said defendant be imprisoned for the period of one (1) year in the County Jail, city and county of San Francisco, State of California, that defendant stand committed to the custody of the United States marshal for this district, and that commitment issue accordingly. Further ordered that the judgment herein run concurrently with judgment in case of the United States of America vs. August Blanc, No. 7248. Further ordered that this case be and is hereby consolidated with case of United States of America vs. August Blanc, No. 7248, for all purposes in connection with appeal to be taken. [52]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7248.

Convicted Violation Section 13 Act May 18, 1917.

THE UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Judgment in Case No. 7248.

J. E. Colston, Esq., Assistant United States Attorney, and the defendant with his counsel came into court. The defendant was duly informed by the Court of the nature of the Information filed on the 5th day of September, 1918, charging him with the

crime of violating section 13, Act May 18, 1917; of his arraignment and plea of Not Guilty; of his trial and the verdict of the Jury on the 19th day of September, 1918, to wit:

“We, the Jury, find August Blanc, the defendant at the bar, Guilty.

FRED W. BOOLE,
Foreman.”

The defendant was then asked if he had any legal cause why judgment should not be entered herein, and no sufficient cause being shown or appearing to the Court, and the Court having denied a motion for new trial and a motion in arrest of judgment; thereupon the Court rendered its judgment;

THAT, WHEREAS, the said August Blanc having been duly convicted in this court of the crime of violating Section 13, Act May 18, 1917;

IT IS THEREFORE ORDERED AND ADJUDGED that the said August Blanc be imprisoned for the period of One (1) year in the County Jail, county of San Francisco, State of California.

Judgment entered this 26th day of September, A. D. 1918.

WALTER B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk.

[Endorsed]: Entered in Vol. 8, Judg. and Decrees, at page 227. [53]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 7249.

Convicted Violation Section 13, Act May 18, 1917.

THE UNITED STATES OF AMERICA

vs.

AUGUST BLANC.

Judgment in Case No. 7249.

J. E. Colston, Esq., Assistant United States Attorney, and the defendant with his counsel came into court. The defendant was duly informed by the Court of the nature of the Information filed on the 5th day of September, 1918, charging him with the crime of violating section 13, Act May 18, 1917; of his arraignment and plea of Not Guilty; of his trial and the verdict of the Jury on the 19th day of September, 1918, to wit:

“We, the Jury, find August Blanc, the defendant at the bar, Guilty.

FRED W. BOOLE,
Foreman.”

The defendant was then asked if he had any legal cause to show why judgment should not be entered herein, and no sufficient cause being shown or appearing to the Court, and the Court having denied a motion for new trial and a motion in arrest of judgment; thereupon the Court rendered its judgment;

THAT, WHEREAS, the said August Blanc having been duly convicted in this court of the crime of

violating Section 13, Act May 18, 1917;

IT IS THEREFORE ORDERED AND ADJUDGED that the said August Blanc be imprisoned for the period of One (1) year in the County Jail, county of San Francisco, State of California. Further ordered that said term of imprisonment run concurrently with that this day imposed upon said defendant in case No. 7248, United States vs. August Blanc.

Judgment entered this 26th day of September, A. D. 1918.

WALTER B. MALING,
Clerk.

By C. W. Calbreath,
Deputy Clerk.

[Endorsed]: Entered Vol. 8 Judg. and Decrees, page 228. [54]

In the Southern Division of the United States District Court in and for the Northern District of California.

(Nos. 7248-7249—Con.)

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Petition for Writ of Error and Supersedeas.

Now comes August Blanc, defendant herein, by Frank J. Hennessy, his attorney, and says that on

the 24th day of September, 1918, this Court rendered judgment herein against the defendant, in which judgment and the proceedings had prior thereto in this cause certain errors were permitted to the prejudice of the defendant, all of which will more fully appear from the assignment of errors which is filed with this petition.

Wherefore, this defendant prays that a writ of error may issue in this behalf out of the United States Circuit Court of Appeals for the Ninth Circuit, for the correction of the errors complained of, and that a transcript of the record in this cause, duly authenticated, may be sent to the Circuit Court of Appeals aforesaid, and that this defendant be awarded a supersedeas upon said judgment and all necessary and proper process including bail.

AUGUST BLANC,

Defendant.

By FRANK J. HENNESSY,

Attorney for Defendant.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [55]

In the Southern Division of the United States District Court in and for the Northern District of California.

No. 7248-7249.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Assignment of Errors.

August Blanc, the plaintiff in error in the above-entitled cause, and Frank J. Hennessy, his attorney, in connection with his petition for a writ of error, makes the following assignment of errors, which he alleges occurred upon the trial of said cause:

I.

The Court erred in overruling the objection made by the plaintiff in error to the admissibility and marking for identification of the picture of the witness, Matilde Campbell, to which ruling the plaintiff in error excepted.

II.

The Court erred in overruling the objection made by plaintiff in error to the question asked the witness for the United States, Louis Remige: "Would you have arrested and appeared against this woman if you had sexual intercourse with her"? To which ruling the defendant duly excepted.

III.

The trial Court erred in denying a motion for a new trial on behalf of the defendant, in this:

a. That said verdict on Information No. 7248 is not supported by any evidence showing that the defendant did on September 4th, 1918, direct Louis Remegie to room No. 16, in the building known as No. 773 Broadway St., San Francisco, for the purpose of prostitution.

b. That the verdict on Information No. 7249 is not supported [56] by any evidence showing that the defendant on September 4th, 1918, kept a house

of ill-fame at the Globe Hotel at No. 773 Broadway St., San Francisco, California.

c. The trial Court erred in denying the motion in arrest of judgment on behalf of defendant, in this, to wit:

That said defendant was never committed by a magistrate or indicted by a duly constituted Grand Jury prior to his trial;

That Information No. 7248 does not state facts sufficient to constitute a public offense under the laws of the United States against the defendant.

That Information No. 7249 does not state facts sufficient to constitute a public offense under the laws of the United States against the defendant.

IV.

The trial Court erred in refusing to direct a verdict of not guilty upon Information No. 7248 at the close of the evidence for the Government, in this, that there was no evidence to show that the defendant did on September 4th, 1918, direct Louis Remegie to Room 16, in the building at No. 773 Broadway St., San Francisco, California, for the purpose of prostitution; to which ruling defendant excepted.

The trial Court erred in refusing to direct a verdict of not guilty upon Information No. 7249 at the close of the evidence for the Government, in this, that evidence of a single act of prostitution is not sufficient to establish a house as a house of ill fame, and there was not any evidence save that directed to a particular time on September 4th, 1918, and there was no evidence to show that defendant kept or set

up a house of ill fame; to which ruling the defendant duly excepted.

AUGUST BLANC,
Defendant.

FRANK J. HENNESSY,
Attorney for Defendant.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [57]

*In the Southern Division of the United States Dis-
trict Court in and for the Northern District of
California.*

(Nos. 7248-7249—Con.)

AUGUST BLANC,
Plaintiff in Error,
vs.

UNITED STATES OF AMERICA,
Defendant in Error.

Order Allowing Writ of Error and Supersedeas.

The writ of error and the supersedeas herein prayed for by August Blanc, the plaintiff in error, pending the decision upon said writ of error, are hereby allowed and the defendant is permitted to bail upon the writ of error in the sum of Twenty-five Hundred Dollars.

The bonds for costs upon the writ of error is hereby fixed at the sum of Two Hundred and Fifty Dollars.

Dated at San Francisco, California, this 26 day of September, 1918.

M. T. DOOLING,
United States District Judge.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [58]

*In the Southern Division of the United States Dis-
trict Court, in and for the Northern District of
California.*

Nos. 7248-7249—Con.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Writ of Error (Copy).

To the Honorable Judges of the District Court of
the United States for the Northern District of
California, GREETING:

Because in the record and proceedings, as also in
the rendition of the judgment of a plea which is in
said District Court before you between August
Blanc, plaintiff in error and the United States of
America, defendant in error, a manifest error has
happened, to the great damage of the said August
Blanc, plaintiff in error, as by his complaint ap-
pears, and it being that, if the error, if any there
hath been, should be duly corrected and full and
speedy justice done to the parties aforesaid, and in
this behalf you are hereby commanded, if judgment
be given, that then under your seal distinctly and
openly you send the record and proceedings afore-
said with all things concerning the same to the

United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at the city of San Francisco, State of California, within thirty days from the date hereof in the said Circuit Court of Appeals, to be then and there held, and the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done. [59]

WITNESS, the Honorable EDWARD DOUGLAS WHITE, Chief Justice of the Supreme Court of the United States, this 26 day of September, 1918, and in the year — of the Independence of the United States.

Allowed.

M. T. DOOLING,
United States District Judge.

[Seal] WALTER B. MALING,
Clerk U. S. District Court, Northern District of California.

By C. W. Calbreath,
Deputy Clerk U. S. District Court, Northern District of California.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [60]

In the Southern Division of the United States District Court, in and for the Northern District of California.

Nos. 7248—7249—Con.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Citation to Writ of Error (Copy).

United States of America,—ss.

The President of the United States to the United States of America, GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit to be holden at the city of San Francisco, State of California, within thirty days from the date hereof, pursuant to a writ of error duly issued and now on file in the clerk's office in the Southern Division of the United States District Court, in and for the Northern District of California, wherein August Blanc is the plaintiff in error and you are the defendant in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable MAURICE T. DOOLING, United States District Judge in the Southern Division of the United States District Court, in and

for the Northern District of California, this 26 day of September, 1918.

M. T. DOOLING,
United States District Judge.

[Endorsed]: Filed Sep. 26, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk [61]

Bond to Appear on Writ of Error.

7248/7249 Cons.

(4 Canceled Internal Revenue Stamps.)

UNITED STATES OF AMERICA.

Northern District of California,—ss.

BE IT REMEMBERED, That on this 26th day of September in the year of our Lord one thousand nine hundred and eighteen, before the undersigned, a United States Commissioner, duly appointed by the United States District Court for the Northern District of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress, in that behalf, personally appeared August Blanc, as principal, and New Amsterdam Casualty Company as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America in the sum of Two Thousand Five Hundred (\$2,500) Dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements, to the use of the said United States.

The conditions of the above recognizance are such, that, whereas, an information has been presented by the Grand Jury of the United States for the Southern Division of the Northern District of California, and filed on the 5th day of September, A. D. 1918, in the Southern Division of the United States District Court for the Northern District of California, charging the said August Blanc with violation Section 13, Act of Congress May 18, 1917, keeping house of ill fame within five miles of U. S. military fort or reservation, committed on or about the 4th day of September, A. D. 1918, to wit, at the District and Division aforesaid, contrary to the form of the statute of the United States, in such case made and provided; and whereas judgment of conviction was rendered and sentence imposed; and whereas an order was made allowing writ of error: [62]

AND WHEREAS, the said August Blanc has been required to give a recognizance with sureties, in the sum of Two Thousand Five Hundred (\$2500) Dollars for his appearance pending determination of said writ of error:

NOW, THEREFORE, If the said August Blanc shall personally appear at the United States Circuit Court of Appeals, Ninth Judicial Circuit and Southern Division of the United States District Court for the Northern District of California, to be holden at the courtroom of said court, in the city and county of San Francisco, on the day of when required, A. D. 191, at ten o'clock in the forenoon of that day, and afterwards whenever or wherever he may be required to answer the said information

and all matters and things that may be objected against him whenever the same may be prosecuted, and render himself amenable to any and all lawful orders and process in the premises, and not depart the said Court without leave first obtained, and if he shall appear for judgment and render himself in execution thereof, then this recognizance shall be void; otherwise to remain in full effect and virtue.

AUGUST BLANC. (Seal)

NEW AMSTERDAM CASUALTY COMPANY. (Seal)

By C. T. HUGHES, (Seal)

Agent and Attorney in Fact.

Acknowledged before me the day and year first above written.

[Seal]

FRANCIS KRULL,

United States Commissioner for the Northern District of California, at San Francisco.

[Endorsed]: Filed Sep. 27, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [63]

Cost Bond on Writ of Error.

7248/7249.

(Canceled Internal Revenue Stamp.)

KNOW ALL MEN BY THESE PRESENTS, That we, August Blanc, as principal, and New Amsterdam Casualty Company, as sureties, are held and firmly bound unto United States of America in the full and just sum of Two Hundred Fifty (\$250) Dollars, to be paid to the said United States of America,

certain attorney, executors, administrators or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these present.

Sealed with our seals and dated this 26th day of September in the year of our Lord one thousand nine hundred and eighteen.

WHEREAS, lately at a Southern Division District Court of the United States for the Northern District of California, First Division, in a suit depending in said court, between United States of America versus August Blanc, #7248 and 7249 Consolidated, a judgment was rendered against the said August Blanc and the said August Blanc having obtained from said Court an order allowing writ of error to reverse the judgment in the aforesaid suit, and a citation directed to the said United States of America, citing and admonishing it to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, in the State of California.

NOW, the condition of the above obligation is such, that if the said August Blanc shall prosecute his writ of error to effect, and answer all costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

AUGUST BLANC. (Seal)

NEW AMSTERDAM CASUALTY COMPANY. (Seal)

By C. T. HUGHES,
Agent and Attorney in Fact.

Acknowledged before me the day and year first above written.

[Seal]

FRANCIS KRULL.

[Endorsed]: Filed Sep. 27, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [64]

**Certificate of Clerk U. S. District Court to
Transcript on Writ of Error.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify the foregoing 64 pages, to be full, true, and correct copies of certain records and proceedings, in the cases of United States vs. August Blanc, No. 7248, and United States vs. August Blanc, No. 7249, Consolidated, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to, and in accordance with, praecipe for transcript on writ of error (copy of which is embodied in this transcript) and the instructions of the attorney for defendant and plaintiff in error, herein.

I further certify that the cost for preparing and certifying the foregoing transcript on writ of error is the sum of twenty-four dollars and seventy cents (\$24.70), and that the same has been paid to me by the attorney for plaintiff in error herein.

Annexed hereto are the original citation on writ of error (page 70) and the original writ of error (page 66), with the return of the said District Court to said writ of error attached thereto (page 69).

IN WITNESS WHEREOF, I have hereunto set

my hand and affixed the seal of said District Court,
this 28th day of January, A. D. 1919.

[Seal]

WALTER B. MALING,

Clerk.

By C. M. Taylor,

Deputy Clerk. [65]

*In the Southern Division of the United States Dis-
trict Court, in and for the Northern District of
California.*

Nos. 7248-7249—Con.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Writ of Error (Original).

To the Honorable Judges of the District Court of
the United States for the Northern District of
California, GREETING:

Because in the record and proceedings, as also in
the rendition of the judgment of a plea which is in
said District Court before you between August
Blanc, plaintiff in error, and the United States of
America, defendant in error, a manifest error has
happened, to the great damage of the said August
Blanc, plaintiff in error, as by his complaint ap-
pears, and it being that, if the error, if any there
hath been, should be duly corrected and full and
speedy justice done to the parties aforesaid, and in

this behalf you are hereby commanded, if judgment be given, that then under your seal distinctly and openly you send the record and proceedings aforesaid with all things concerning the same to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at the city of San Francisco, State of California, within thirty days from the date hereof in the said Circuit Court of Appeals, to be then and there held, and the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

WITNESS, the Honorable EDWARD DOUGLAS WHITE, Chief Justice of the Supreme Court of the United States, this 26 day of September, 1918, and in the year of the Independence [66] of the United States.

Allowed.

M. T. DOOLING,
United States District Judge.

[Seal] WALTER B. MALING,
Clerk U. S. District Court, Northern District of
California.

By C. W. Calbreath,
Deputy Clerk U. S. District Court, Northern Dis-
trict of California. [67]

[Endorsed]: Nos. 7248-7249, Con. In the South-
ern Division of the United States District Court,
in and for the Northern District of California. Au-

gust Blanc, Plaintiff in Error, vs. United States of America, Defendant in Error. Writ of Error. Filed Sep. 26, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

Due service of within writ of error this 26th day of Sept., 1918, is hereby admitted.

United States District Attorney. [68]

Return to Writ of Error.

The answer of the Judges of the District Court of the United States, for the Northern District of California, to the within writ of error.

As within we are commanded, we certify under the seal of our said District Court, in a certain schedule to this writ annexed, the record and all proceedings of the plaint whereof mention is within made, with all things touching the same, to the United States Circuit Court of Appeals, for the Ninth Circuit, within mentioned, at the day and place within contained.

We further certify that a copy of this writ was on the 27th day of January, A. D. 1919, duly lodged in the cases in this Court for the within named defendant in error.

By the Court.

[Seal] WALTER B. MALING,
Clerk U. S. District Court, Northern District of
California.

By C. M. Taylor,
Deputy Clerk. [69]

In the Southern Division of the United States District Court, in and for the Northern District of California.

Nos. 7248-7249—Con.

AUGUST BLANC,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

Citation to Writ of Error (Original).

United States of America,—ss.

The President of the United States to the United States of America, GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit to be holden at the city of San Francisco, State of California, within thirty days from the date hereof, pursuant to a writ of error duly issued and now on file in the clerk's office in the Southern Division of the United States District Court, in and for the Northern District of California, wherein August Blanc is the plaintiff in error and you are the defendant in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge in the Southern

Division of the United States District Court, in and for the Northern District of California, this 26 day of September, 1918.

M. T. DOOLING,
United States District Judge. [70]

[Endorsed]: Nos. 7248-7249, Con. In the Southern Division of the United States District Court, in and for the Northern District of California. August Blanc, Plaintiff in Error, vs. United States of America, Defendant in Error. Citation to Writ of Error. Filed Sep. 26, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

[Endorsed]: No. 3292. United States Circuit Court of Appeals for the Ninth Circuit. August Blanc, Plaintiff in Error, vs. The United States of America, Defendant in Error. Transcript of Record. Upon Writ of Error to the Southern Division of the United States District Court of the Northern District of California, First Division.

Filed January 28, 1919.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

*United States Circuit Court of Appeals for the
Ninth Circuit.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUGUST BLANC,

Defendant.

**Stipulation and Order Extending Time to and
Including February 28, 1919, to File Record.**

IT IS HEREBY STIPULATED that the time heretofore allowed August Blanc, the plaintiff in error herein, to docket said cause and file the record thereof with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit be, and the same is hereby, enlarged and extended to and including the 28th day of February, 1919.

Dated at San Francisco, California, this 28th day of January, 1919.

A. A. ADAMS,
United States District Attorney.
J. E. C.

SO ORDERED.

Dated at San Francisco, California, this 28th day of January, 1919.

M. T. DOOLING,
United States District Judge.

[Endorsed]: No. 3292. United States Circuit Court of Appeals for the Ninth Circuit. United States of America, Plaintiff, vs. August Blanc, Defendant. Stipulation Extending Time to February 28, 1919. Filed Jan. 28, 1919. F. D. Monckton, Clerk.